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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/542,273	04/04/2000	James J. Crow	044577.0003	5239

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EXAMINER

WANG, LIANG CHE A

ART UNIT	PAPER NUMBER
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2155

DATE MAILED: 04/02/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/542,273

Applicant(s)

CROW ET AL.

Examiner

Liang-che Alex Wang

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 April 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-22 have been examined

Paper Submitted

2. It is hereby acknowledged that the following papers have been received and placed of record in the file:
 - a. **Change of Address** as received on 04/18/01.

Specification

3. The disclosure is objected to because of the following informalities:
 - a. Page 2, lines 6 and 8, please fill in the responding serial numbers.
 - b. Page 4, line 7, add “(Service Point Map)” after “SPM”, description is needed for acronym when it appears the first time in the disclosure.
 - c. Page 6, lines 17, “a services”, should be changed to “services.”

Appropriate correction is required.

Claim Objections

4. Claims 3-6 are objected to because of the following informalities:
 - a. Referring to claim 3, line 1, “the a service point map manager” should be changed to “the service point map manager.”
 - b. Referring to claim 6, line 1, “the a service point map manager” should be changed to “the service point map manager.”

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5. All dependent claims are objected to as having the same deficiencies as the claims they depend from.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

7. Claims 1-3, 5, 9, 13, 15-22 are rejected under 35 U.S.C. 102(e) as being anticipated by Choquier et al., US Patent Number 5,951,694, hereinafter Choquier.
8. Referring to claim 1, Choquier has taught a communication network (see Figure 1) comprising:

a plurality of server devices (Figure 1, item 120) for providing a plurality of services to the network (Col 1 lines 45-48), where each service has a corresponding service address (Col 5 lines 21-22);

at least one client device (Figure 1 item 102) that accesses services by first accessing a service point map (item 136) listing of services available on the network and corresponding address information for each service (Col 8 lines 17-25, Col 10 lines 33-46);

9. Referring to claim 2, Choquier has further taught the communication network of claim 1, further comprising a service point manager device (Figure 1 item 144) to intermittently generate a current service point map identifying the services and corresponding address information for services connected to the network (Col 10 lines 47-61), where each service device (items 120 and 140) sends corresponding address information for each service to the service point map manager device (item 144) and each client device collects a service point map (item 136) from the service point map manager device when the client connects to the network (Col 10 lines 55-61.)
10. Referring to claim 3, Choquier has further taught wherein the service point manager device selects services and corresponding service address information for inclusion in the service point map using server load balancing technique (abstract, lines 6-12.)
11. Referring to claim 5, Choquier has further taught wherein server load balancing technique are implemented by supplying a service point map to the client that contains all possible entries (see Figure 4, item 400) where the entry for any service which needs load

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balancing contains script code in a service specific data field which the client runs in order to select the appropriate entry (Col 11 lines 4-25, 44-57.)

12. Referring to claim 9, Choquier has further taught wherein a first serve causes the client device to perform actions using executable commands in the service point map (Col 17, lines 36-37);
13. Referring to claim 13, Choquier has taught in a client /server communication network wherein a plurality of services are located on a plurality of servers (item 120 figure 1) connected to the network (see figure 1), a server computer system for generating a table listing of services connected to the network and corresponding location information for each listed service, where the table listing is selected from a larger listing of services connected to the network using a first portioning scheme (Col 10 lines 47-61.)
14. Referring to claim 15, Choquier has further taught the server computer system, further comprising a plurality of clients computer systems (item 102, Figure 1) connect to the network, each of which collects a table listing of services from the server computer system upon connecting to the network (Col 10 lines 55-61)
15. Referring to claim 16, Choquier has further taught wherein the first portioning scheme is a functional portioning of the services (Col 10 lines 52-55, each local map contains information about the respect server, Figure 4, item 400 each map has its own service descriptions, therefore the services are partitioned into each map by its functionality.).
16. Referring to claim 17, Choquier has further taught the server computer system, further comprising at least one client computer system that has identification data associated with the client and that has requested a table listing from the server computer system, wherein

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the first portioning scheme is routing of services based on the identification associated with the client (Col 8 lines 17-39).

17. Referring to claim 18, Choquier has further taught wherein the first portioning scheme is to partition the services by resource connection (Col 11, lines 55-57.)

18. Referring to claim 19, Choquier has further taught wherein the first portioning scheme is to partition the services by equivalency (Figure 4, item 400, all the services that is grouped into the same map is viewed equivalent).

19. Referring to claims 20-22, claims 20-22 encompass the same scope of the invention as that of the claims 1-3, 13. Therefore, claims 20-22 are rejected for the same reason as the claims 1-3, 13.

Claim Rejections - 35 USC § 103

20. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

21. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Choquier et al., US Patent Number 5,951,694, hereinafter Choquier, Choquier has taught an invention as described in claim 3, Choquier has taught wherein the load balancing techniques are implemented by supplying a service point map to the client (Col 10 lines 62 – Col 11 lines 3).

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Choquier has not taught the service point map supplied to the client has already been processed for load balancing wherein all entries have been removed except for targeted address information.

It would have been obvious to a person with ordinary skill in the art at the time the invention was made to modify the teaching of Choquier such that to supply a service point map to the client, which has already been processed for load balancing wherein all entries have been removed except for targeted address information.

A person with ordinary skill in the art would have been motivated to make the modification to Choquier, because The inventive concept of applicant's invention is if the system using the load balancing technique to select the service. Choquier has taught using load-balancing technique for the user to select the service server (abstract, lines 9-12). Processing the load balancing technique before or after supplying the service point map to the client does not considered as an inventive concept, and a person with ordinary skill in the art could make such change for designing preference.

22. Claims 6 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Choquier, in views of Fujimoto, JP02001117932A, hereinafter Fujimoto. Choquier has taught an invention as described in claim 2, Choquier has further taught wherein the service point manager device selects services and corresponding service address information for inclusion in the service point map using server load balancing technique (abstract, lines 6-12.)

Choquier has not taught where the selection for inclusion in the service point map is based on the topographical location of the client device in the network.

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However, Fujimoto has taught a selection for inclusion in the service point map is based on the topographical location of the client device in the network (See Solution lines 1-8 on the translated page.)

It would have been obvious to a person with ordinary skill in the art at the time the invention was made to modify the teaching of Choquier such that service point manager device selects services and corresponding service address information for inclusion in the service point map based on the topographical location of the client device in the network.

A person with ordinary skill in the art would have been motivated to make the modification to Choquier, because having a topographical map as taught by Fujimoto would allow the system of Choquier to provide specific services to users in a specific topographic location.

23. Claims 7-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Choquier, in views of Al-Ghosein et al., US Patent Number 6,473,791, hereinafter Al-Ghosein.
24. Referring to claim 7, Choquier has further taught wherein the service map includes supplemental service identification data (see Figure 4, item 400, all the service descriptions could be considered as supplemental service identification data.)

Choquier has not taught the supplemental service identification data comprising a client epoch value for at least a first service identified in the service point map that is used to correlate the performance of the client device and the first service.

However, Al-Ghosein has taught a load balancing service system receive performance values indicative of the targets' performance (Col 11 lines 31-35)

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It would have been obvious to a person with ordinary skill in the art at the time the invention was made to modify the teaching of Choquier such that to have supplemental service identification data comprising a client epoch value for at least a first service identified in the service point map that is used to correlate the performance of the client device and the first service.

A person with ordinary skill in the art would have been motivated to make the modification to Choquier, because placing the performance value of Al-Ghosein in the service point map of Choquier would allow the system to be aware of its performance level, which would allow the system to have the capability to keep track of the performance, and then increase the performance (Col 11 lines 36-41)

25. Referring to claim 8, Choquier has further taught wherein a first serve causes the client device to perform actions using executable commands in the service point map (Col 17, lines 36-37);

Choquier has not taught wherein a first service has a corresponding service epoch value, whereby the first service causes the client device to take corrective action at the time that a mismatch is detected between the client epoch vale and the service epoch value.

However, AL-Ghosein has taught, after receiving the performance values the system then take corrective action by map to a target identifier with a more favorable performance value. (Col 11 lines 36-41)

It would have been obvious to a person with ordinary skill in the art at the time the invention was made to modify the teaching of Choquier such that a first service has a

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corresponding service epoch value, whereby the first service causes the client device to take corrective action at the time that a mismatch is detected between the client epoch value and the service epoch value

A person with ordinary skill in the art would have been motivated to make the modification to Choquier, because Al-Ghose disclosed taking corrective actions (Col 11 lines 36-41) based on the performance values (Col 11 lines 31-35), and placing the performance value of Al-Ghosein in the service point map of Choquier then take corrective action would increase its performance level. Using client and service epoch values is just a technique of using performance values.

26. Claims 10-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Choquier, in views of Bartle et al. US Patent Number 6,188,888, hereinafter Bartle.
27. Referring to claims 10-12, Choquier has not taught wherein the service map includes backup address information for a selected service identified in the service point map in the event that the selected service cannot be reached.

However, Bartle has taught that a user would provide a backup numbers (alternate telephone numbers) (Col 1 lines 26-29) in the event that user cannot be reached.

It would have been obvious to a person with ordinary skill in the art at the time the invention was made to modify the teaching of Choquier such that the service map includes backup address information for a selected service identified in the service point map in the event that the selected service cannot be reached.

A person with ordinary skill in the art would have been motivated to make the modification to Choquier, because it is well known to provide a backup or alternate

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numbers when the primary number is not good to reach a person. Also, it is well known that when planning a event such as picnic, there is usually a backup plan if there is a rain day. Having this concept to be applying on Choquier's invention. A person with ordinary skill in the art would have the service point map includes backup address information for a selected service identified in the service point map in the event that the selected service cannot be reached. And a person with ordinary skill in the art would also included all the possible address information including address information for a service point map manager device (claim 11), and address information for an alternate server providing the selected service (claim 12).

Conclusion

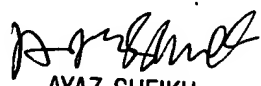
28. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Applicant is reminded that in amending in response to a rejection of claims, the patentable novelty must be clearly shown in view of the state of the art disclosed by the references cited and the objection made. Applicant must show how the amendments avoid such references and objections. See 37 CFR 1.111(c).
29. Pfeffer, US Patent Number 6,128,293, has taught a multi-service access management system.
30. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Liang-che Alex Wang whose telephone number is (703) 305-3391. The examiner can normally be reached on Monday thru Friday, 8:30 am to 5:00 pm.

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31. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sheikh Ayaz R can be reached on (703) 305-9648. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 746-7239 for regular communications and (703) 746-7238 for After Final communications.
32. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Liang-che Alex Wang
March 25th, 2003

LW


AYAZ SHEIKH
SUPERVISORY PATENT EXAMINER
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